

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES LEE WHEELER,

Plaintiff,

Case No. 3:15 CV 366

-VS-

MEMORANDUM OPINION
AND JUDGMENT

UNITED STATES OF AMERICA,

Defendant.

KATZ, J.

Before the Court is the Report and Recommendation of the Magistrate Judge filed January 25, 2016 in the above-entitled action. No objections have been filed. Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C) (2002). In this case, the fourteen-day period has elapsed and no objections have been filed. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984) *affirmed*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation, and adopts that Report and Recommendation in its entirety. Defendant's motion to dismiss (Doc. 27) is granted. Plaintiff's motion for summary judgment (Doc. 32) and Defendant's motion to strike (Doc. 35) are denied as moot.

IT IS SO ORDERED.

S/ David A. Katz
DAVID A. KATZ
U. S. DISTRICT JUDGE